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OFFICE OF PETITIONS

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In re Application of :  
Bachmann et al : DECISION GRANTED-IN-PART  
Application No. 10/762,107 :  
Filed: January 21, 2004 :  
Attorney Docket No.: 8822/2022 :

This is a decision on the petition filed July 14, 2004, requesting in effect, that a Notice to File Missing Parts in a Nonprovisional Application ("Notice") mailed May 14, 2004, be withdrawn.

The application was filed on January 21, 2004. However, on July 14, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of January 21, 2004 but figure 20 as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figure 20 was filed on January 21, 2004. In support, the petition is accompanied by a copy of applicant's return postcard which lists "147 formal sheets figs. 1-20". The petition is further accompanied by a copy of figure 20.

Applicant's postcard receipt is prima facie evidence that 147 sheets of drawings including figure 20 as described in the specification was received on January 21, 2004. A review of the record shows that figure 20 has been located in the file. It is obvious that no drawings were actually missing on January 21, 2004 and applicant is not seeking to submit any additional drawings.

The petition is Granted-In-Part to the extent it applies to the omitted figure. However, the Notice was correct regarding the requirement to submit an executed oath or declaration. No petition fee is due. Deposit account 16-0085 will be refunded the \$130.00 petition fee and charged a late filing declaration fee in the amount of \$65.00.

Since figure 20 as described in the specification has been

located in the Office, figure 20 supplied on January 21, 2004, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of January 21, 2004, using the 147 sheets of drawings submitted on January 21, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.



Charlema R. Grant  
Petition Attorney  
Office of Petitions